

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

# United States District Court

## Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.  
**PLAINTIFF**

v.

TYSON FOODS, INC. et al.  
**DEFENDANTS AND THIRD-PARTY PLAINTIFFS**

### THIRD PARTY SUMMONS IN A CIVIL ACTION

v.

City of Tahlequah, et al.  
**THIRD PARTY DEFENDANTS**

CASE NUMBER: 05-CV-0329-TCK-SJA

To: **John T. Posey, Jr. Trust d/b/a  
 Meadow Park RV Park  
 HC 68, Box 1065,  
 Vian OK 74962**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY	DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:	
Douglas Allen Wilson Melvin David Riggs Richard T. Garren Sharon K. Weaver Riggs Abney Neal Turpen Orbison & Lewis 502 West 6 <sup>th</sup> Street Tulsa, OK 74119-1010	A. Scott McDaniel Joyce, Paul & McDaniel PLLC 1717 South Boulder, Suite 200 Tulsa, OK 74119 For Peterson Farms	Robert P. Redemann Lawrence W. Zeringue David C. Senger Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC P. O. Box 1710 Tulsa, OK 74101-1710 For Cal-Maine Foods, Inc.
	Robert W. George Kutack Rock LLP The Three Sisters Building 214 West Dickson Street Fayetteville, AR 72701-5221 For Tyson Foods, Inc.	George W. Owens Randall E. Rose The Owens Law Firm, P.C. 234 West 13 <sup>th</sup> Street Tulsa, OK 74119 For George's Inc.
	R. Thomas Lay Kerr, Irvine, Rhodes & Ables 201 Robert S. Kerr Ave., Suite 600 Oklahoma City, OK 73102 For Willow Brook Foods, Inc.	John R. Elrod Vicki Bronson Conner & Winters, P.C. 100 West Center Street, Suite 200 Fayetteville, AR 72701 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi

Clerk



(By) DEPUTY CLERK

**MAR 15 2006**

Date

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>3-21-06</u>	
NAME OF SERVER (PRINT) <u>ART HIGLEY</u>	TITLE <u>PROCESS SERVER</u>	
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served personally upon the third-party defendant. Place where served:   <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:   <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>3-21-06</u> Date</p> <p style="margin-left: 200px;"><u>x Art Higley</u> Signature of Server</p> <p style="margin-left: 200px;">BPI 2 ASSOCIATES, INC. PO BOX 870 DELAWARE, OHIO</p> <p style="margin-left: 200px;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.